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10/085,645

02/27/2002

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02/11/2004

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 02/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/085,645

Applicant(s)

NAMBA ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract should explain the essence of the invention. A mere recitation of the parts does not explain what the invention does. Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method For Providing Regular Updates To Player Character Statistics In A Sports Simulation Game.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-4, 8 & 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Baba et al. (US Patent Number 6,406,371).

**Claims 1 & 9:** Baba teaches a data delivery system for family game machine (10) comprising: a server (30) including: storage means (33) for storing various types of data and transmits prescribed data from the server to a family game machine via a network (20). There is a delivery authorization determination means for determining whether or not the family game machine is authorized to receive data delivery when a request for data delivery is received from said family game machine. (Col 2, 3-25 describes the logon procedures.) Baba teaches data delivery means (i.e., the Internet) for transmitting data to said family game machine based on an instruction from the delivery authorization determination means.

**Claim 2:** Baba teaches that the determination performed by said delivery authorization determination means regarding whether or not data delivery is authorized is performed based on an ID number received from said family game machine, and said ID number is an ID number unique to a readable recording medium that stores data necessary for communication between said family game machine and said server. (Col 2, 3-25 describes the first identification number as being associated with a memory device.)

**Claim 3:** Baba teaches that the determination performed by said delivery authorization determination means regarding whether or not data delivery is authorized is performed based on both said ID number unique to the readable recording medium and an ID number unique to the family game machine (i.e., the second identification number), which are received from said family game machine. (Col 2, 3-25)

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**Claim 4:** Baba teaches that the data delivered from said server is information pertaining to game characters appearing in a game. (i.e., team members) (Col 1, 25-42 & Col 6, 56 – Col 7-8)

**Claim 8:** Baba teaches that when a data delivery request is received from said family game machine, said delivery authorization determination means of the server stores the date and time of the first access and authorizes data delivery for only a prescribed period of time. (Fig 9, S64)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba as applied to claim 4 in view of Pearson et al. (US Patent Number 5, 018,736).

**Claim 5:** Baba teaches the invention substantially as claimed. Baba teaches that the data storage unit stores information relating to a performance of each player character, but does not disclose how this data is derived. Pearson teaches a database storing information relating to a performance of each player character that fluctuates based on daily game results for the corresponding real player. (Fig 1 & Abstract) This ensures that the data is realistic and adds to player interest. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Baba in view of Pearson to include a database storing information relating to a performance of each

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player character that fluctuates based on daily game results for the corresponding real player in order to ensures that the database disclosed by Baba is realistic, thus adding to player interest.

**Claim 6:** Pearson teaches that said information stored in the data storage unit is updated on a daily basis according to daily game result. (Fig 1, 120 & Col 9, 19-30)

**Claim 7:** Baba teaches a match-style game. It is not clear whether the game characters appearing therein are simulations real athletes and the data delivered from said server pertains to game results for these real athletes. Pearson teaches a match-type game in which the game characters appearing therein are simulations real athletes and the data delivered from said server pertains to game results for these real athletes. Pearson teaches that such fantasy leagues are extremely popular. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Baba in view of Pearson to include a match-type game in which the game characters appearing therein are simulations real athletes and the data delivered from said server pertains to game results for these real athletes in order to implement fantasy sports leagues.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| Reference Name  | US Patent Number | Applicability      |
|-----------------|------------------|--------------------|
| Yaegashi et al. | 6,499,106        | Software downloads |
| Elliot          | 6,468,160        | Software downloads |
| Birch et al.    | 6,292,706        | Sports Simulation  |
| Hughes et al.   | 4,918,603        | Sports Simulation  |
| Gavriloff       | 6,371,855        | Sports Simulation  |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
cbc

  
JESSICA HARRISON  
PRIMARY EXAMINER